

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
§
VS. § CRIMINAL ACTION NO. 2:13-CR-00504-1
§
§
GUILLERMO HERRERA §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(B); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The defendant has been indicted and, therefore, the evidence against the defendant meets the probable cause standard. Having considered the testimony of the case agent and the weight of the evidence, the evidence against the defendant is strong. Further, the defendant has a criminal history dating to the 1980s which includes crimes of violence and drug offenses, flight to avoid prosecution and a history of non-compliance with

conditions of parole. The defendant has limited ties to the community having only lived in Edinburg, Texas for two years and not being a citizen of the United States. The findings and conclusions contained in the Pretrial Services Report are adopted.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 29th day of May, 2014.



Jason B. Libby
United States Magistrate Judge